Docket No.: 52743-012004

AF/IJW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

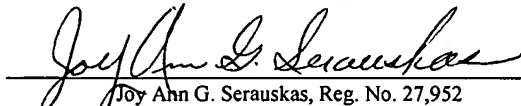Applicant   : BURGESS, ANDREW P.

Appl. No.   : 10/712121

Filed   : November 13, 2003

Title   : DECK MOUNTING BRACKET

Grp./A.U.   : 3632

Examiner   : A. Sterling

Customer No. : 1923

Confirmation No.: 7680

NOTICE OF APPEAL
FROM THE PRIMARY EXAMINER
TO THE BOARD OF APPEALS

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant hereby appeals to the Board of Appeals from the decision dated March 31, 2005, of

the Primary Examiner finally rejecting claims 1, 3, 6-14 and 18-22.

Appeal Fee: $ $500.00

☐   Not required (fee paid in prior appeal in this application).

☒   Charge to Deposit Account No. 13-0206.

☐   Check Enclosed.
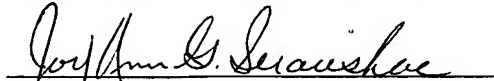
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Respectfully submitted,

McDERMOTT WILL & EMERY LLP

_____
Joy Ann G. Serauskas
Registration No. 27,952
Please recognize our Customer No. 1923 as our correspondence address.

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CHI99 4493699-1.052743.0012

Effective on 12/08/2004.
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL
For FY 2005

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT | ($) | 500

Complete if Known	
Application Number	10/712,121
Filing Date	November 13, 2003
First Named Inventor	Andrew P. Burgess
Examiner Name	A. Sterling
Art Unit	3632
Attorney Docket No.	52743-012004

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____

☑ Deposit Account   Deposit Account Number: 13-0206   Deposit Account Name: McDermott Will & Emery LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☑ Charge fee(s) indicated below   ☐ Charge fee(s) indicated below, **except for the filing fee**

☑ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17   ☑ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES Fee ($)	Small Entity Fee ($)	SEARCH FEES Fee ($)	Small Entity Fee ($)	EXAMINATION FEES Fee ($)	Small Entity Fee ($)	Fees Paid ($)
Utility	300	150	500	250	200	100	_____
Design	200	100	100	50	130	65	_____
Plant	200	100	300	150	160	80	_____
Reissue	300	150	500	250	600	300	_____
Provisional	200	100	0	0	0	0	_____

2. EXCESS CLAIM FEES

Fee Description	Fee ($)	Small Entity Fee ($)
Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent	50	25
Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent	200	100
Multiple dependent claims	360	180

Total Claims	Extra Claims	Fee ($)	Fee Paid ($)	Multiple Dependent Claims	
0 - 20 or HP =	0 x	50 =	0	Fee ($)	Fee Paid ($)

HP = highest number of total claims paid for, if greater than 20

Indep. Claims	Extra Claims	Fee ($)	Fee Paid ($)		
0 - 3 or HP =	0 x	200 =	0	_____	_____

HP = highest number of independent claims paid for, if greater than 3

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper, the application size fee due is $250 ($125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee ($)	Fee Paid ($)
_____ - 100 =	_____ / 50 =	_____ (round up to a whole number) x	_____ =	0

4. OTHER FEE(S)

Fees Paid ($)

Non-English Specification, $130 fee (no small entity discount)

Other: Notice of Appeal ($500)   ...500

SUBMITTED BY

Signature	*Joy Ann G. Serauskas*	Registration No. (Attorney/Agent) 27,952	Telephone	312.372.2000
Name (Print/Type)	Joy Ann G. Serauskas		Date	June 30, 2005